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Attorneys for Plaintiff  
NEXTEC APPLICATIONS, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEXTEC APPLICATIONS, INC., a  
Georgia corporation,

Plaintiff,

v.

BROOKWOOD COMPANIES, INC., a  
Delaware corporation,

Defendant.

Case No. 07CV6901 (RJH)(THK)

**DECLARATION OF SEAN J. KIRBY  
IN SUPPORT OF PLAINTIFF'S  
MOTIONS IN LIMINE**

**DECLARATION OF SEAN J. KIRBY**

I, Sean J. Kirby, say and declare:

1. I am an attorney duly admitted before this Court and counsel for plaintiff Nextec Applications, Inc. in the above-captioned matter. I make the following statements of my own personal knowledge and would and could testify thereto if sworn as a witness at trial.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition of Amber Brookman. [FILED UNDER SEAL]

3. Attached as Exhibit 2 is a true and correct copy of the Expert Report of Thomas Colasanto dated January 14, 2009.

4. Attached as Exhibit 3 is a true and correct copy of the Rebuttal Report of Thomas Colasanto dated February 25, 2009. [FILED UNDER SEAL]

5. Attached as Exhibit 4 is a true and correct copy of the Expert Report of Peter J. Hauser dated January 15, 2009.

6. Attached as Exhibit 5 is a true and correct copy of excerpts the Rebuttal Report of Peter Hauser dated February 25, 2009. [FILED UNDER SEAL]

7. Attached as Exhibit 6 is a true and correct copy of the Curriculum Vitae of Thomas Colasanto from the Expert Report of Thomas Colasanto dated January 14, 2009.

8. Attached as Exhibit 7 is a true and correct copy of the Curriculum Vitae of Peter J. Hauser from the Expert Report of Peter J. Hauser dated January 15, 2009.

9. Attached as Exhibit 8 is a true and correct copy of the Curriculum Vitae of Michael J. Platek from the Expert Report of Michael J. Platek dated January 14, 2009.

**10.** Attached as Exhibit 9 is a true and correct copy of excerpts from the Expert Report of Phillip A. Beutel dated January 16, 2009. [FILED UNDER SEAL]

**11.** Attached as Exhibit 10 is a true and correct copy of excerpts from the November 14, 2008 Deposition of Timothy Holland. [FILED UNDER SEAL]

**12.** Attached as Exhibit 11 is a true and correct copy of Plaintiff's Deposition Exhibit 224 showing the Coating Card for Brookwood's S-2530 formula. [FILED UNDER SEAL]

**13.** Attached as Exhibit 12 is a true and correct copy of Defendant's Deposition Exhibit 152. [FILED UNDER SEAL]

**14.** Attached as Exhibit 13 a true and correct copy of Defendant's Deposition Exhibit 153. [FILED UNDER SEAL]

**15.** Attached as Exhibit 14 is a true and correct copy of Defendant's Deposition Exhibit 154. [FILED UNDER SEAL]

**16.** Attached as Exhibit 15 is a true and correct copy of document Bates Labeled BR09673 showing the Coating Card for Brookwood accused fabric identified by Bates No. BR04950. [FILED UNDER SEAL]

**17.** Attached as Exhibit 16 a true and correct copy of Plaintiff Nextec Applications, Inc.'s First Set of Interrogatories.

**18.** Attached as Exhibit 17 a true and correct copy of Brookwood's Response to Plaintiff's First Set of Interrogatories dated May 7, 2008, with Exhibits.

**19.** Attached as Exhibit 18 a true and correct copy of Exhibit B to the Expert Report of Thomas Colasanto dated January 14, 2009.

20. Attached as Exhibit 19 a true and correct copy of Defendant's Deposition Exhibit 48. [FILED UNDER SEAL]

21. Attached as Exhibit 20 a true and correct copy of advertisements regarding Brookwood's "K Kote" and "Ken Reign" raincoats produced by Brookwood after the close of discovery.

22. Attached as Exhibit 21 a true and correct copy of a photo purporting to show a Brookwood employee operating the "K Kote" equipment produced by Brookwood after the close of discovery.

23. Attached as Exhibit 22 a true and correct copy of excerpts from a document entitled "Brookwood Companies Incorporated Management Review Meeting May 9, 2007." [FILED UNDER SEAL]

24. Attached as Exhibit 23 a true and correct copy of Defendant's Deposition Exhibit 83. [FILED UNDER SEAL]

25. Attached as Exhibit 24 a true and correct copy of excerpts from the April 3, 2009 deposition of Peter J. Hauser.

I declare under penalty of perjury under the federal law of the United States that the foregoing is true and correct. Executed on September 12, 2011, at New York, New York.

  
Sean C. Kirby